

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Case No. 1617.1001CIP
(MBHB 03-622-A)

In re Application of:)
Timothy W. Dygert) Group Art Unit: 2177
Serial No.: 09/976,038) Examiner: Ali, Mohammad
Filed: October 15, 2001)
For: Playback Device Having)
Text Display and Communication)
with Remote Database of Titles)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER PRIOR PATENT**

Petitioner, **DIGITAL NETWORKS NORTH AMERICA**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,304,523, issued October 16, 2001. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that said patent and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154-156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is

reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent of record and is empowered to execute the terminal disclaimer and to act on behalf of the organization pursuant to 37 C.F.R. § 1.321. Enclosed is a copy of the signed power of Attorney at Tab A.


Copies of the assignment documents in the chain of title from the original owner to the assignee are attached for both the present application and the prior patent. The assignment documents for the prior patent (e.g., U.S. Patent No. 6,304,523) were recorded in the U.S. Patent and Trademark Office at reel 014462 and frame 0133. Enclosed is a copy of the assignment and the recordation of this assignment document at Tab B. The assignment documents for the present application are attached at Tab C. (Although only three of the five inventors signed the assignment for the present application, the remaining two inventors assigned all their right to the invention for any continuation-in-part for which may be granted by signing the assignment documents for the prior patent).

The undersigned has reviewed the attached assignment document and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: 9/28/04

By: 
Joseph A. Herndon
Reg. No. 50,469

Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.